

1982 WL 189126 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 5, 1982

\*1 The Honorable Nicholas P. Sipe  
Executive Director  
South Carolina Alcoholic Beverage Control Commission  
1205 Pendleton Street  
Columbia, South Carolina 29201

Dear Nick:

You have inquired of this office whether the South Carolina Alcoholic Beverage Control Commission has the discretion to not revoke a sale and consumption license when the licensee has violated a regulation three (3) times within a three (3) year period. The Commission is the executive agency vested with the authority to implement and execute the alcoholic beverage control laws, and as such the Commission may reasonably construe and apply these statutes it is charged to enforce.

Section 61-5-110(3), Code of Laws of South Carolina, 1976, as amended, provides that a sale and consumption license shall be revoked permanently where the licensee is in violation of a third offense within three years of the first offense. However, § 61-1-80 of the South Carolina Code, a provision in para materia with § 61-5-110(3), is written in discretionary language and authorizes the Alcoholic Beverage Control Commission to review a third violation within a three year period and ‘. . . if it deems fitting and proper, revoke a license or a permit . . .’ This discretionary section is contained in the article dealing with the general powers and authority of the Commission and applies to all licenses and permits issued by the Commission, thus, it is applicable to the sale and consumption licenses.

Statutes in para materia must be construed together and in such manner that both may be rendered operative. [Lewis v. Gaddy](#), 254 S.C. 66, 66, 173 S.E.2d 376. Accordingly, it appears reasonable to construe these two (2) provisions as authorizing the Commission within its discretion to refrain from revoking a sale and consumption license for a third offense within a three year period if the Commission so desires.

With best wishes, I remain  
Very truly yours,

Edwin E. Evans  
Assistant Attorney General

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